

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEAN LOUIS

v.

COMMONWEALTH OF PENNSYLVANIA

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:
:

CIVIL ACTION

NO. 07-cv-5296

MEMORANDUM AND ORDER

FILED
DEC 21 2007
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

Petitioner alleges that he was convicted in the Court of Common Pleas of Philadelphia County for offenses related to illegal drugs; he also alleges that as a result of that conviction, he was sentenced by that court on March 27, 2007 to a mandatory term of 2 ½ to 5 years incarceration, pursuant to the state of Pennsylvania's sentencing guidelines.

Petitioner filed the instant petition in this court on December 17, 2007, which he labeled as a "Motion to Modify Sentence Pursuant to the New Federal Sentenceing (sic) Guidelines for Crack Cocaine Offender's Pursuant to Statutory Provisions 21 U.S.C. §842(a)(2)." Petitioner argues that recent changes in the federal sentencing guidelines should result in a shortening of his state court sentence. What this petition overlooks is that there is no "federal sentence" involved in this matter; petitioner attacks a state court sentence; accordingly, the alleged amendments to the federal sentencing guidelines are irrelevant to the length of petitioner's state incarceration.

Accordingly, this 19 Day of December 2007, it is hereby

ORDERED that 07-cv-5296 is **DISMISSED WITH PREJUDICE**, and, it is further

ORDERED that the Clerk of this Court shall mark 07-cv-5296 as **CLOSED** for all purposes, including statistics.



MICHAEL M. BAYLSON, U.S. District Judge